



CHARTER REVIEW COMMITTEE OF THE CITY OF SAN DIEGO

**ACTIONS FOR
THURSDAY EVENING, SEPTEMBER 27, 2007 AT 6:30PM**

**THE BALBOA PARK CLUB
2150 WEST PAN AMERICAN ROAD,
SAN DIEGO, CA 92101**

For Information, contact Julie Dubick,
202 C Street, 11th Floor, San Diego, CA 92101
619-236-6330

6:30p.m. Call to Order, Roll Call

- Lei-Chala Wilson excused, all other members present.

NON-AGENDA PUBLIC COMMENT:

- Phil Hart spoke to the perceived failures of the Strong Mayor form of government.

CITY ATTORNEY, COUNCIL INDEPENDENT BUDGET ANALYST AND MAYORAL STAFF COMMENT

ITEM – 1: Action Item – Approve Actions for meetings of the Charter Review Committee September 6 and September 23.

- Change September 6 Actions Item 4 to reflect that Marc Sorensen voted “yes” and Chairman Davies voted “no” on that item
- Action: Approved unanimously as amended.

ITEM – 2: Action Item – Approve language for Charter Review Committee Recommendation in regard to the City Treasurer as forwarded by the Financial Reform Subcommittee

Subcommittee Recommendation: Amend section 45, to remove the need for City Council confirmation for the position of City Treasurer.

- Action: Motion by Kwiatkowski, second by Channick. Passed 13-1 with Sorensen voting no. *At the Oct. 4th meeting Sorensen asked to change his vote to “yes” on this item after having time to read the language.*

ITEM – 3: Action Item – Approve language for Charter Review Committee Recommendation in regard to the composition of the SDCERS’ Board as forwarded by the Financial Reform Subcommittee

Subcommittee Recommendation: That the current composition of the SDCERS Board be retained and that the questions of joining CalPERS and addressing the issue of an investment policy in the Charter be considered by a later Charter Committee.

- Motion by Mudd, second by Sorensen. Approved unanimously.

ITEM – 4: Action Item – Approve language for Charter Review Committee Recommendation in regard to the Balanced Budget Requirement as forwarded by the Financial Reform Subcommittee

Subcommittee Recommendation: To be decided Thursday afternoon.
Language motioned and approved:

"The Committee voted to require that the Manager propose and the Council adopt a balanced budget annually, meaning that sufficient funds are available to cover projected expenditures. The Manager shall monitor and report on the budget throughout the fiscal year, and upon determining there will no longer be sufficient funding from all available sources to cover projected expenditures and encumbrances, shall propose revisions to keep the budget balanced. Within 60 days of the Manager’s submission of these revisions, the Council shall adopt them or offer alternative ones to ensure a balanced budget. The Manager and Council shall take the necessary steps to ensure a balanced budget by the end of each fiscal year. The City shall post copies of the budget on appropriate electronic media, such as the internet, to allow the public full access to the document."

- Motion by Jones, second by Roth. Passed 13-1 with Sorensen voting to abstain. *At the Oct. 4th meeting Sorensen asked to change his vote to “yes” on this item after having time to read the language.*

ITEM – 5: Action Item – Approve language for Charter Review Committee Recommendation in regard to the Filling of Elected Vacancies as forwarded by the Duties of Elected Officials Subcommittee

Subcommittee Recommendation: Important issue but legally complex and better dealt with at Council Rules Committee and election task force; better in municipal code recommend into parking lot.

- Motion by Roth, second by Sorensen. Approved unanimously.

ITEM – 6: Action Item – Approve language for Charter Review Committee Recommendation in regard to Charter Section 40 as forwarded by the Duties of Elected Officials Subcommittee

Subcommittee Recommendation: Voted 4-1 to adopt modifications to Charter Section 40 to make clearer that the City is the client, that the client controls litigation and settlement and to provide options where a conflict exists.

- Public testimony:
 - Don Shanahan, Asst. City Attorney testified that the process was fundamentally flawed due to the absence of a City Attorney nominee on the Committee.
 - Andrew Jones, President of the Deputy City Attorney’s Association testified that the Committee must recommend a change to Charter Section 40 that would provide protection for Deputy City Attorney’s by granting tenure to Deputy City Attorney’s after two years.
- Motion by Channick, second by Roth. Passes 9-5.
- In Favor: Nelson, Mudd, Roth, Bersin, McDade, Davies, Jones, Milliken, Channick.
- Opposed: Gordon, Sparrow, Kwiatkowski, Cleves-Anderson, Sorensen.

ITEM – 7: Action Item – Approve language for Charter Review Committee Recommendation in regard to the Mayor’s role in Redevelopment as forwarded by the Interim Strong Mayor Subcommittee

- Action 1: Motion by Mudd to “table” issues (remove from Committee report), second by Gordon. Fails 10-4
- Opposed: Nelson, Roth, Bersin, McDade, Davies, Jones, Cleves-Anderson, Milliken, Kwiatkowski, Channick.
- In Favor: Gordon, Mudd, Sparrow, Sorensen.
- Action 2: Motion by Kwiatkowski to approve staff recommendation to go on future ballot, second by Roth. Passes 10-4
- In Favor: Nelson, Roth, Bersin, McDade, Davies, Jones, Mudd, Milliken, Kwiatkowski, Channick.
- Opposed: Gordon, Sparrow, Cleves-Anderson, Sorensen.

ITEM – 8: Action Item – Approve language for Charter Review Committee Recommendation in regard to Charter Review in the Future as forwarded by the Interim Strong Mayor Subcommittee

Subcommittee Recommendation:

- Public Testimony:
 - Millie Pilot asked about the future of this particular Charter Review Committee.
- Action: No Action taken by Committee.
 - Staff distributed copies of the draft of the Final Report and discussed the review of the report and asked for individual

committee member comment in advance of the October 4th meeting.

Adjourned